IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 4365 of 2005(T)

PETITIONER:

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1. DAISY VARGHESE, LECTURER IN ELECTRONICS
   GOVERNMENT POLYTECHNIC, PERUMBAVOOR,
   ERNAKULAM.

2. KARTHIAYANI.K.K.,
   LECTURER IN ELECTRONICS ENGINEERING,
   MAHARAJA'S TECHNOLOGICAL INSTITUTE,
   THRISSUR.

3. MURALEEDHARAN.K., LECTURER IN
   ELECTRONICS, GOVERNMENT POLYTECHNIC,
   PALAKKAD.

4. SHAJU.K.P., LECTURER IN ELECTRONICS,
   PT & GPT SHORANUR, PALAKKAD DISTRICT.

5. DEEPA.S.R., LECTURER IN ELECTRONICS,
   GOVERNMENT WOMEN'S POLYTECHNIC,
   THIRUVANANTHAPURAM-40.

6. SHEELA.S., LECTURER IN ELECTRONICS,
   GOVERNMENT POLYTECHNIC, NEYYATTINKARA.

7. JESSY SEBASTIAN, LECTURER IN
   ELECTRONICS, GOVERNMENT RESIDENTIAL POLYTECHNIC,
   PAYYANNUR P.O.

8. AJITHA.S., LECTURER IN ELECTRONICS,
   GOVERNMENT WOMEN'S POLYTECHNIC, ERNAKULAM.

9. AUSTIN ANTONY, LECTURER IN ELECTRONICS,
   GOVERNMENT POLYTECHNIC, VALAPPAD.

10. UMA.G.KARTHA, LECTURER IN ELECTRONICS,
    GOVERNMENT POLYTECHNIC,
    KALAMASSERY, ERNAKULAM DISTRICT.

11. SUSAMMA MATHEW, LECTURER IN ELECTRONICS,
    GOVERNMENT POLYTECHNIC, VENNIKULAM,
    PATHANAMTHITTA DISTRICT.

12. SHEELA.M.G.,
LECTURER IN ELECTRONICS,
GOVERNMENT POLYTECHNIC, CHERTHALA.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.V.M.UNNI

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED
BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
TRIVANDRUM (CONVENOR, DEPARTMENTAL PROMOTION
COMMITTEE HIGHER).

2. THE DIRECTOR OF TECHNICAL EDUCATION,
TRIVANDRUM.

3. THE SENIOR JOINT DIRECTOR
(POLYTECNHIC BRANCH), DIRECTORATE OF
TECHNICAL EDUCATION, TRIVANDRUM.

4. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
PATTOM, TRIVANDRUM.

5. DEVAKUMAR.N., LECTURER IN ELECTRONICS,
GOVERNMENT POLYTECHNIC, CHERTHALA.

6. ARUN.C.N., LECTURER IN ELECTRONICS,
GOVERNMENT POLYTECHNIC, KORATTY.

7. ANJANA.S., LECTURER IN ELECTRONICS,
GOVERNMENT POLYTECHNIC, PUNALUR.

R4 BY ADV. SRI.ALEXANDER THOMAS,SC,KPSC
BY ADV SRI.ELVIN PETER P.J.
SRI.S.RAMESH
R1 TO 3 BY GOVERNMENT PLEADER SHRI. R. LAKSHMINARAYANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX IN W.P(C) 4365/05

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE SENIORITY LIST PUBLISHED BY THE DIRECTORATE OF TECHNICAL EDUCATION, TRIVANDRUM AS NO. EG1/29310/97 DT. 14.12.1999

EXT.P2: -DO- OF THE SENIORITY LIST PUBLISHED BY THE DIRECTORATE OF TECHNICAL EDUCATION, TRIVANDRUM AS NO: EG/29310/97 DT. 14.12.1999

EXT.P3: -DO- OF THE ADVERTISEMENT PUBLISHED IN THOZHIL VEEDHI DT. 10.3.2004

EXT.P4: -DO- DT. 23.8.2004 IN W.P(C) NO: 24074/2004

EXT.P5: -DO- OF THE REPRESENTATION SUBMITTED BY THE 8TH PETITIONER BEFORE THE ST RESPONDENT DT. 14.1.2005

EXT.P6A: -DO- OF THE APPOINTMENT ORDER NO: EC4/31688/88 DT. 7.8.1989 ISSUED TO T.G. JAMES AS WORKSHOP INSTRUCTOR ALONG WITH THE 1ST PETITIONER

EXT.P6B: -DO- OF THE ORDER NO: EC 3/48859/89 DT. 12.12.1990 OF THE DIRECTORATE OF TECHNICAL EDUCATION

EXT.P6C: -DO- OF THE ORDER NO: EC5/11991/95 DT. 9.5.1995 OF THE DIRECTORATE OF TECHNICAL EDUCATION

EXT.P6D: -DO- OF THE ORDER G.O. (RT) NO: 773/98/H.EDN DT. 8.7.98

RESPONDENTS' EXTS:

EXT.R1A: COPY OF JUDGMENT IN W.A. 824/02, DT. 23.10.2002

EXT.R5A: TRUE COPY OF JUDGMENT DT. 23RD OCTOBER, 2001 IN W.A. 824/2002 OF THIS HON'BLE COURT

jj /TRUE COPY/

P.A. to Judge

K.BALAKRISHNAN NAIR , J.

Writ Petition (C) No.4365 of 2005-T

Judgment

The petitioners are Lecturers in Electronics working in various Polytechnics under the Department of Technical Education. They were promoted to the said post in the year 2000. Respondents 5 to 7 are direct recruits in that post. They were appointed in the year 1998 and thereafter. Their next promotion post is Head of the Department, which is a Category 1A post in the Special Rules for Kerala Technical Education Service. The method of appointment is by promotion from the post of Lecturers or equivalent posts. The interpretation regarding one of the prescribed qualifications is the disputed point to be decided in this Writ Petition. The said qualification reads as follows - *"Eight years' experience in Engineering profession of which, at least three years' should be teaching experience as Lecturer, not below the Diploma level in recognised/approved institutions."* Whether the five years' experience in Engineering profession and the minimum three years' experience in teaching should be the experience gained after joining the Department or whether the experience gained from outside can be reckoned, is the point that arises for decision. According to the writ petitioners, the experience gained after joining the Department alone can be reckoned. But, the official respondents maintain the opposite view and therefore, the party respondents

are considered for promotion, taking into account, the experience gained by them from outside also. Hence this Writ Petition, seeking appropriate reliefs.

2. The respondents would point out that the point raised by the petitioners is squarely covered against them by the Judgment of the Division Bench of this Court in WA No.824/02 dated 23.10.2002.

3. Going by the above said Writ Appeal Judgment, I feel that the submission of the respondents is correct. But, the learned Senior Counsel Shri.M.K.Damodaran, appearing for the petitioners submitted that the said decision requires reconsideration. But, a single judge is bound by the decision of the Division Bench. Unless there is another Division Bench decision, laying down a different proposition, the single Judge has no business to doubt the correctness of the decision of the Division Bench. In view of the above position, in the light of the aforementioned Judgment of the Division Bench, the Writ Petition is dismissed. No order as to costs.

16.11.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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